Chapter 1. Purpose and Need

1.1 INTRODUCTION

Olympic Pipe Line Company (OPL), a petroleum pipeline company located in Renton, Washington, is proposing to construct and operate a new refined petroleum products pipeline in Washington. The new buried pipeline would have an initial capacity of 60,000 barrels (bbls) or 2,520,000 gallons per day, with three pump stations operating. Up to three additional stations would come online as demand increased to an ultimate capacity of up to 110,000 bbls (4,620,000 gallons) per day.

The proposed pipeline is approximately 370 kilometers (km) (230 miles) long and would be an extension of the existing 644 km (400-mile) OPL pipeline system. The proposed pipeline would begin near Woodinville in western Washington and terminate at an existing storage and distribution facility in Pasco in eastern Washington. A storage and distribution facility would be constructed at Kittitas, near Ellensburg.

OPL currently transports refined petroleum products for shippers in Washington from four northwest refineries (Tosco, Arco, Texaco, Shell) to various customers in Washington and Oregon via OPL=s pipeline from the refineries south to Portland. OPL is a petroleum products carrier. Its primary mission is to carry product from these four refineries.

The purpose of the Proposed Action is to respond to a need to provide a cost-effective, efficient, environmentally sound means to transport refined petroleum products from western Washington refineries to central and eastern Washington to meet the long-range needs for product transportation. The applicant=s proposal is to build a west-to-east pipeline to achieve that purpose.

Section 1.2 of this chapter describes the need for the Proposed Action. Section 1.3 explains the criteria used to define the proposal=s purpose. Section 1.4 provides a context for this discussion by describing the present petroleum supply and distribution system in Washington state, including the roles of key entities such as refineries, shippers, and carriers. Section 1.4 also describes how the EIS was developed around this Purpose and Need statement, and Section 1.5 describes the roles of agencies involved in the decision-making process. Section 1.6 summarizes relevant federal and state plans and guidelines. Section 1.7 lists potential users of the proposed pipeline.

1.2 NEED FOR ACTION

1.2.1 Overview

As central and eastern Washington continue to grow, more petroleum products are required. Although historically petroleum products have been delivered to these areas from a combination of California refineries, Rocky Mountain refineries (via the Yellowstone and Chevron pipelines), and northwest Washington refineries, the market trend is toward meeting the increases in demand with product from northwest Washington refineries.

Product from northwest Washington refineries can end up anywhere in the state but is largely distributed within western Washington, eastern Washington in the Tri-Cities area, and central Washington near Ellensburg. The primary mechanisms of transport, as shown in Figure 1-1, are:

- the north-south pipeline serving western Washington and Oregon customers from Seattle to Portland;

- trucks from Harbor Island in Seattle and directly from refineries crossing the Cascades via Snoqualmie and Stevens Passes to central Washington and the Moses Lake and Ellensburg areas; and

- barges on the Columbia River which pick up product from the pipeline in Portland and carry it to Pasco, Umatilla, and Clarkston.

Other secondary transport mechanisms, especially those involved with proration, are discussed further below. In 1995, the north-south pipeline reached capacity. Nonetheless, shippers have continued to order product from Washington refineries, even when the preferred delivery system (the north-south pipeline) was at capacity and alternate systems of delivery (truck and barge) were required.

With expected continued population and commerce growth in western, central, and eastern Washington, and demand on the OPL system from all three areas, OPL believes that the demand for the transport of products in their system, including products delivered to central and eastern Washington from western Washington refineries, will continue to increase about 1.5 percent annually (OPL 1998). As the amount of proration continues to increase, as detailed in the following sections, shippers will be required to increase their use of multiple sources and modes of shipment to meet increasing demands for refined product. This demand has created a request by shippers for a more price-competitive means of delivery of refined petroleum products from western Washington refineries. Shippers have asked OPL to examine whether a new pipeline could transport product to eastern and central Washington at a lower cost than the current barge and truck system. The proposed project, then, is primarily offered as a solution to shippers= request for a lower cost, more efficient, west-to-east delivery system, which would replace barges and trucks. Enough qualified shippers have signed letters of interest with OPL to fill half the proposed line at this time (see Section 1.7, Potential Users of Cross Cascade Pipeline Project).

1.2.2 History

OPL's existing pipeline system has served western Washington and Oregon since 1965. It was created to carry northwest refinery products to customers in western Washington and Oregon. Over the years, it has also been a link in the transportation system supplying markets east of the Cascade Mountains. Other sources have also served eastern Washington -- the refineries of Billings and Salt Lake City and their associated pipeline systems, the Yellowstone and Chevron pipelines. Over the past 7 years, decreased crude oil supply, increased demand in local markets outside of Washington, and refinery closures have reduced the amount of Rocky Mountain refined product available at competitive product and transport costs in eastern Washington.

In the late 1980s, the volumes of refined petroleum product from the northwest refineries and other sources being transported into central and eastern Washington and Oregon started to increase (OPL 1998). This resulted in greater demands on all systems available to carry products east (pipeline, trucks, and river barges).

OPL responded to this increased demand on their pipeline system from shippers in western, central, and eastern Washington. From 1989 to early 1995, OPL added pumping equipment, began using flow-improving polymers, and added motor horsepower to add about 28,000 bbls per day capacity to the north-south pipeline to Vancouver and Portland for a total delivery capacity of 148,000 bbls per day (OPL 1998). However, these measures alone failed to keep pace with the demand on the existing system. Although OPL was able to increase transportation of product through the line to maximum capacity, shippers were forced to use increasing numbers of tanker trucks and barges to obtain needed product. As a result, eastern and western Washington shippers were curtailed and had to order product via other means. Under such conditions, common carrier pipelines are referred to as Aoversubscribed@ and pipeline owners are required to Aprorate@ the volumes they carry, so the shortage is allocated equally to all shippers.

By 1996, an average of 13,800 bbls of product per day (73 tanker-trailer truck trips) were trucked over the Cascades, and 38,405 bbls per day (3 to 4 barge trips per week) were barged up the Columbia to serve eastern Washington at Pasco (OPL 1998). The existing OPL pipeline system had reached its capacity for shipments from the refineries near Anacortes to Seattle and Vancouver/Portland in 1995. Shipment of refined petroleum products to central and eastern Washington from all sources and by all transportation modes in 1996, including the Yellowstone and Chevron pipelines through eastern Washington, was estimated to total 81,511 bbls per day (OPL 1998), and 52,205 bbls of this total were ordered from the northwest refineries (see Figure 1-1) via truck and barge.

Although the OPL pipeline is operating at capacity, shippers continue to increase requests for northwest refinery output from OPL and other sources at an increasing rate of approximately 1.5 percent per year. When shippers= needs cannot be met by OPL, they have product shipped by other carriers. This results in barge traffic on Puget Sound from northwest refineries to Harbor Island. Barge and product tankers sail from the refineries out the Strait and down the coast to Portland for

local deliveries or for shipment up the Columbia. The refineries are making approximately 12 to 20 such shipments per month. Trucking companies carry product from Harbor Island to Olympia or across Snoqualmie or Stevens Pass.

With the existing north-south OPL pipeline capacity fixed at 148,000 bbls per day, the frequency of all these modes of transportation will continue to increase. Each of these modes costs more to transport than a pipeline. The transport costs of all these modes have the most dramatic effect on eastern Washington shippers because a greater percent of their future needs will be met by more expensive barging and trucking.

1.2.3 Conclusion

Demand for western Washington petroleum in eastern and central Washington has reached a volume of product where a new pipeline can be more efficient and less expensive to shippers than other modes of transport. As OPL=s existing pipeline reached capacity, initial needs were met with occasional truck trips over the pass. As demand grew, more trucks were used and barge transport began, initially by back-hauling product in barges used to ship other products down river. Truck and barge transport have grown to be such a major portion of supply that shippers have asked OPL if a pipeline could be built to deliver product at lower cost than truck or barge with their associated transfer and storage costs. Along with lower cost would likely come efficiency and reliability, although the primary driver is transportation cost. Efficiency and reliabiilty of transport is reflected by fewer transfers of product and fewer delivery disruptions due to road closures from accidents and weather. Along with a lower cost, larger size, and more efficient system would come the elimination of the need to prorate shippers. This is another benefit to shippers who could count on one transportation source if the project were approved rather than supplementing their needs with more barging and trucking. OPL has investigated this pipeline option and determined that volumes are now sufficient to build and operate a pipeline to transport needed product at lower costs and greater reliability than the current system or other alternatives. Shippers have committed to use the line, as described in Section 1.7.

1.3 PURPOSE AND NEED CRITERIA

This section provides a very brief definition of the criteria used to define the purpose of the proposal and the alternatives.

Cost Effective. Shippers have requested a system which is less expensive to them than barge and truck delivery. Any alternative that is more expensive than the existing system would not be used and does not meet the need. Alternatives costing the same or less than the existing system are relatively cost-effective.

Efficient. Any alternative that includes fewer transfers of product between modes of transport than the existing system would be more efficient. Any alternative that is more reliable than the existing system would also be more efficient.

Environmentally Sound. Any alternative with the same or fewer impacts to the environment than the existing system would be environmentally sound.

1.4 BACKGROUND

1.4.1 Petroleum Supply and Demand in Washington State

A simple discussion of the mechanisms of petroleum product refining, transport, and consumption in the Northwest provides the reader with some context as to the role of OPL and other petroleum transport mechanisms in Washington state. The following discussion describes the roles of carriers, shippers, and the factors which generate a need for product, together with the systems that are in place to satisfy that need.

Users of petroleum products enter contracts with shippers to keep them supplied with product. In turn, shippers contract with refineries to supply petroleum product, with carriers to transport product, and with terminals to store product. Each of these entities and their operation in the market is described below.

Existing Oil Pipelines Serving Washington. Three major petroleum product lines deliver refined product to Washington state (Figure 1-1): OPL=s north-south line, the Yellowstone line, and the Chevron line. Each line carries refined product from a relatively fixed supply base of refineries to customers anywhere in the state who are willing to pay for transport of the product. The lines are somewhat limited as to the product they carry, but there is no physical limitation as to the ultimate destination of the product because trucks or other methods can provide local distribution from any line to any location. Figure 1-1 shows general locations of these systems with relative flow data.

What limits the ultimate destination of the product is, of course, the demand for product from any one line, which is generally determined by price and availability. Price to shippers is affected by transportation costs and cost of the product, among other factors. Another major factor considered by shippers when transporting product is competition, because shippers order product for their customers based on price and reliability in a competitive market. Availability becomes critical when a line is oversubscribed and there are no other alternatives for transport. In most cases, including this one, there are other alternatives.

Shippers and Carriers. Gasoline, diesel, and jet fuel are transported to market via pipelines or other transport mechanisms (barge, rail, truck) based on orders placed by shippers who order products to supply gas stations, terminals, airports, and storage facilities of other users. Shippers often supply bulk distribution facilities, although some shippers are the ultimate consumers

(e.g., airlines). When shippers see that their customers need product, they are responsible for seeing that this product is provided. Shippers arrange for the product to be purchased, transported, stored, and delivered.

Some shippers represent the refineries. Others are independent such as farm cooperatives, airlines, defense facilities, and others.

The pipeline companies are carriers as are trucking companies and barge lines. Neither shippers nor carriers are always the ultimate consumers. Carriers transport product, they do not produce it, nor do they decide where it goes or provide it to consumers. OPL is a carrier. This is important when considering demand and need.

Shippers are generally free to acquire product from whomever they want. In an open, competitive market, a shipper who is responsible for providing product to a Pasco customer (or to itself) could contact the Yellowstone, Chevron, or Olympic pipeline companies, depending upon which oil company they bought the product from. Such purchase is usually a multi-year contract. They then make arrangements for storing the product, if necessary, if various transport modes are used. Demand on any pipeline carrier, then, is dependent on the number and volume of requests they get from shippers. It is not a factor of supply and demand or local need for gas, for example. It is a response to shippers.

External factors of product price, transport reliability, supply, transport cost, storage cost, and other factors are all known to the shippers before they make their orders. Regardless of the size, capacity, or location of a pipeline, the shippers determine demand on the pipeline and the need to carry product. They make similar demands on truck and barge companies when pipelines are not available. This is noteworthy because it is the shippers who generally determine the flow, volumes, size or create the market for a pipeline, not the pipeline company itself.

Refineries. This EIS refers to northwest refineries, Rocky Mountain refineries, and California refineries. Each of these groups currently supplies some of Washington=s petroleum. The relevant northwest refineries include two near Anacortes and two near Cherry Point. The four northwest refineries are served by OPL. The Rocky Mountain refineries include some in Missoula, Montana, served by Yellowstone pipeline, and in Salt Lake City, Utah, served by Chevron pipeline. The California Chevron refinery is in Richmond in the San Francisco Bay area; it provides some product to Portland for shipping up the Columbia.

1.4.2 Purpose and Need Considerations for the Project

Under the National Environmental Policy Act (NEPA), alternatives to be considered in the environmental impact statement (EIS) must meet the Purpose and Need. Those that don=t meet the need do not have to be brought forward and discussed in the EIS. Alternatives that do meet the need must be considered, even if they are alternatives that are not under the Lead Agency=s jurisdiction or control. A No Action Alternative must be considered and its impacts shown. The alternative with

least impact need not be chosen by the applicant or responsible official. An EIS is strictly a disclosure document to require consideration of alternatives and impacts.

This EIS is intended to evaluate alternatives that meet the need established by the Lead Agencies. As described in the Introduction, the Purpose and Need statement for this proposal is as follows.

> The purpose of the Proposed Action is to respond to a need to provide a cost-effective, efficient, environmentally sound means to transport refined petroleum products from western Washington refineries to central and eastern Washington to meet the long-range needs for product transportation. The applicant=s proposal is to build a west-to-east pipeline to achieve that purpose.

The lead agencies developed a Purpose and Need statement that considered alternatives other than the proposal, that considered the applicant=s need and position, that considered alternatives outside the control of the applicant or Lead Agencies, that will be helpful to the decision maker, and that recognized the supply and demand situation of a world commodity in Washington state. Early in the process, it became evident that this is not a proposal to satisfy a petroleum shortage in central and eastern Washington. The U.S. transportation system is such that there are no local or regional petroleum shortages in the U.S. The demand is essentially met at all times throughout the country. It may take trucks, rail, ships, barges, or other means, but unless delayed by weather, road conditions, river conditions, or equipment failure, it is met. If a pipeline applicant, or an applicant for a tank farm, refinery, or gas station, had to show shortages leading to problems such as gas lines, rationing, or closed airports in order for an applicant=s project to be built, no such projects would be built. This is a proposal for a pipeline which can deliver product from western Washington refineries at lower costs to shippers and with greater efficiency than the existing barge and truck system, now that existing transport volumes to central and eastern Washington are sufficient to economically support a pipeline. As clearly as the need for a lower cost alternative can be shown, this does not mean that it is in the best interest of the public to build it. That decision is up to the decisionmakers.

The need statement considers the need to respond to delivery demands of shippers for products produced by northwest refineries. At present, these products are carried, for the most part, by the applicant. The need statement considers the applicant=s purpose in proposing a project to meet that need. Once the statement is defined, all Apracticable@ alternatives meeting that need must be considered. The applicant=s need is to satisfy the requests of shippers that product be shipped at lower cost and greater efficiency from western to eastern Washington. The need recognizes the fact that the applicant carries product from four northwest refineries. No other pipeline system does that. Barges and trucks do, another pipeline could, and other modes such as rail could. These alternatives are described in detail in Chapter 2.

Another factor considered by the Lead Agencies is that the shippers= need for lower cost transport reflects a shift in demand for northwest refinery product from nearly exclusive western Washington shippers and consumers, when the original line was built, to many more central and eastern Washington shippers today. The amount of demand from central and eastern Washington shippers on the OPL system is directly demonstrated by the volumes of product hauled daily via truck and barge to that destination. This need is in two parts: (1) a need for product in central Washington

(Kittitas, Ellensburg, Moses Lake) which is met by truck, and (2) a need for product in the Pasco area which is met by barge.

Another factor in considering alternatives, although not dominant in the need statement and alternatives considered, is the need for an EIS document that helps the decision maker. NEPA recognized this when it limited alternatives to those meeting the Purpose and Need and stated that Aremote and speculative@ alternatives, impacts, or analyses were not needed or useful. This applies to other existing pipelines, perhaps, which do not ship northwest refinery products, have no plans to expand, don=t have the existing capacity or product to meet the need, and are not being asked to. Does it help the decisionmaker to evaluate them as alternatives regardless? The Lead Agencies have concluded that it doesn=t.

1.4.3 Purpose and Need and the Public Interest

The public interest was considered in determining the need for the project and range of the alternatives. The lead agencies broadened the applicant=s original need statement for a Apipeline@ to include all possible modes of transport and routes. The proposal would use public lands, and impact waters of the U.S. and waters of the state. As a result, alternatives to such use should be considered. The OPL line is a common carrier for use by any qualified shipper to deliver product. It is regulated as a public utility with published rates, carrying product for final consumption by the public. The Lead Agencies desired a Purpose and Need statement that would allow other transportation options to be considered while still considering the acceptable option of using public lands, since this proposal is not without public benefit. Balancing the use of public lands vs. benefits of the project is not attempted here.

Underlying this element of the need is the public interest over the long term, the public=s interest in having this need met, and the need that shippers have to use an efficient system over the long term. Overall, there is a well recognized public need for and public interest in petroleum product transportation via common carrier pipelines. That public need and public interest can be demonstrated as follows:

- As a common carrier pipeline with public access to all qualified shippers, a common carrier line serves airports, airlines, shipping companies, military installations, and all other private and public shippers in the public interest.

- Common carrier pipelines are given eminent domain rights (right of condemnation) by the government, which represents the public, because such pipelines are regulated as a public utility and governments have recognized that it is in the public interest to do so. Eminent domain is the result of the public concluding that their interest is superior to any single landowner=s.

- The federal government recognizes the public interest of petroleum pipelines crossing federal lands where such utilities are a permitted use because Congress, through the Mineral Leasing Act, recognized that such pipelines can be in the public interest. That is

why utilities are listed as an allowable use across federal lands. The use of public lands is authorized when its use is appropriate. This same right is not granted to private, non-utility uses.

- Common carrier petroleum pipelines are a regulated utility recognized to be in the public interest by the Federal Energy Regulatory Commission (FERC) and by state utilities commissions, subject to conditions of review, approval, and rate structure. Their rates are publicly regulated in exchange for certain rights which are granted to utilities in the public interest.

As a result of this public interest factor, any alternative means to meet the need should also consider and be in the public interest. Any consideration of an alternative must include its means to meet the public interest compared to No Action or other alternatives. The foregoing discussion does not conclude that this particular project is in the public interest, just that energy projects including common carrier petroleum pipelines can be in the public interest by their very nature. It is up to agency decisionmakers to determine if this project, or any of its alternatives, is in the public interest, compared to No Action.

For purposes of this EIS and this project, public interest factors considered may include public utilities, public resources, public lands, public need for energy, public health and safety, recreation, commercial harvest of trees or fish, public tax expenditures, and other public interests. Also of interest is not just the use of public resources, but possibly the degree of use and exclusion of other uses. For example, the proposal uses federal lands for ROW but would continue to allow nearly every other public use of such land along the ROW. River barges (part of the No Action Alternative) use publicly financed locks on the Columbia River at no charge to the users, but such use is still infrequent, only precluding other uses during barge use. Both commit public facilities or resources to private use.

This discussion demonstrates that utilities such as the proposed common carrier petroleum pipeline can be in the public interest. This discussion does not conclude that the Cross Cascade pipeline is in the public interest compared to its impacts, or to those of No Action. It is for the environmental analysis, risk assessment, and agency decisionmakers to decide this issue.

There are factors about this particular proposal specifically that are in the public interest. For example, the public relies on the products delivered by the pipeline system. As discussed further in Traffic andTransportation, weather conditions in the past have been so sever across the passes that fuel deliveries were disrupted for days. The Kittitas County sheriff requested and received an escorted convoy of fuel tanker trucks across Snoqualmie Pass to supply the public=s emergency needs when the road was closed. This would not be needed with a pipeline. Likewise, all barging on the Columbia River was prohibited when the river was closed due to flooding during that same winter. Fuel products destined for ultimate consumption by the public could not travel by barge. The public relies on aviation fuel at airports such as Sea-Tac. Due to pro-ration, airports must supplement fuel needs with other transport options such as trucking or barging all the way from the source. The supply is met completely with the new pipeline, resulting in more efficient and less expensive deliveries to commercial airports.

Still another factor to consider in deciding upon alternatives is the evolving status quo and its related "No Action" impacts. Unlike some proposed facility projects where No Action means no facility, no impacts, and nothing much to examine, there is now a petroleum products delivery system in place and growing in Washington. It has impacts as does the proposal. The decisionmakers, including the responsible official, permitting agencies, and the governor, will be committing to those existing impacts if the proposal is denied. The No Action Alternative in this EIS examines other pipelines' abilities to meet the need. The No Action Alternative requires examination of alternative pipelines and other modes that would not be examined as practicable alternatives. These are alternatives that some commentors have asked be included. Although they are not alternatives brought forward as meeting the Purpose and Need, they are brought forward as part of No Action as described in Chapter 2.

After consideration of many factors, the U.S. Forest Service and Washington Energy Facility Site Evaluation Council (EFSEC), as Lead Agencies on this NEPA/SEPA EIS, have determined that the Purpose and Need statement for this EIS is appropriate, in the public interest, and consistent with the authorization conveyed to the Bureau of Land Management under the Mineral Leasing Act.

1.5 AGENCY ROLES AND DECISIONS TO BE MADE

Numerous agencies are involved in EIS preparation, consultation, and permitting decisions for the pipeline project, as shown in Table 1-1. Of these agencies, the Bureau of Land Management (BLM) and EFSEC play key roles in issuing "umbrella" authorizations that incorporate the input of other agencies, while EFSEC and the U.S. Forest Service have served as Lead Agencies in preparing this EIS. The roles of these three agencies are highlighted below:

- **Bureau of Land Management.** The Mineral Leasing Act (MLA) was amended, in part (87 Stat. 576 and ff.), to provide efficiencies in granting MLA rights-of-way across federal lands managed by multiple agencies by providing applicants the convenience of one application process and one authorization document. The Secretary of the Interior, through the BLM, is mandated to process MLA applications across federal lands managed by more than one agency with the prior consent of each agency head (the exact wording can be found at 87 Stat. 577 [sec.9(c)(2) of Act of Nov. 16, 1973 {P.L. 93-153}]). The regulations at 43 CFR 2880.0-7(a) reflect this statutory mandate. BLM, in accordance with the Act, will not issue a right-of-way (ROW) across federal lands without the consent of the respective agency heads. This consent will be required before the BLM will issue a Record Of Decision (ROD). The BLM will request consents, in writing, from the agency heads. Assuming a ROD is affirmative, BLM will then issue one authorization (right-of-way grant) under the MLA for use of all federal lands. No additional authorization documents are required from other affected federal land managing agencies under the MLA. Subsequently, Notice(s) To Proceed will be issued as appropriate.

- **Washington State Energy Facility Site Evaluation Council.** EFSEC coordinates all of the evaluation and licensing steps for siting major energy facilities in Washington. If a project is approved, EFSEC specifies the conditions of construction and operation, issues

Table 1-1. Permit, Approval, and Consultation Requirements for the Proposed Pipeline Project

Agency	Permit/Authority	Agency Action
Federal Government		
Advisory Council for Historic Preservation	Consultation under Section 106/ *National Historic Preservation Act*	The Council would participate in consultation under Section 106 for all project features that may potentially affect cultural resources that are eligible for listing or are listed in the National Register of Historic Places (NRHP).
U.S. Army Corps of Engineers (ACOE)	Cooperating agency	Cooperating with U.S. Forest Service and EFSEC in preparation of EIS for pipeline project.
	Section 404(b)(1) Individual Permit/ *Clean Water Act*	ACOE would consider issuance of Section 404 individual permits for physical features or activities that result in the placement of dredge or fill material in Waters of the United States. The U.S. Environmental Protection Agency would advise ACOE regarding permit issuance.
	Section 10 Permit/ *Rivers and Harbors Act of 1899*	ACOE would consider issuance of Section 10 permits for the portions of the pipeline that cross navigable waters.
U.S. Department of the Interior, Bureau of Land Management (BLM)	Record of Decision (ROD)/ *Minerals Leasing Act: Title I, Section 28 (c)(2) of the Mineral Leasing Act of 1920, as amended, November 16, 1973 authorizes the Secretary of the Interior to grant or renew rights-of-way (ROW) or permits and to enter into agreements with other land-managing federal agencies for the processing of applications for pipelines to transport oil, natural gas, synthetic liquid or gaseous fuels, or refined products produced therefrom.*	BLM would issue a decision on granting right-of-way (ROW) across all Federal lands. The Spokane District Manager is the Responsible Official for the EIS and ROD. The ROD would be issued once all permits, approvals, and consultations are completed (e.g., NHPA consultation, Endangered Species Act consultation, Section 404 individual permit, Section 10 permit, and separate approvals from each of the land management agencies).
	Right-of-Way (ROW) Grant/ *Minerals Leasing Act*	BLM would offer the ROW grant across all Federal public lands crossed by the pipeline project. The Spokane District Manager is the Authorized Officer for the ROW grant application.
	Temporary Use Permit/ *Minerals Leasing Act*	BLM would issue this permit for temporary activities in a construction ROW. The Spokane District Manager is the Authorized Officer for the Temporary Use Permit.

Table 1-1. Permit, Approval, and Consultation Requirements for the Proposed Pipeline Project

Agency	Permit/Authority	Agency Action
U.S. Department of the Interior, Bureau of Land Management (BLM) - continued	Notice to Proceed	BLM would issue this order once all the agency input and concurrence have been received concerning the ROD/ROW grant and documented in the construction, operations, and maintenance plan. Once the plan is approved, the Authorized Officer would issue a Notice to Proceed with all project development activities.
	Antiquities and Cultural Resources Use Permit	BLM would consider issuing a permit to survey, identify, excavate, or remove cultural resources on Federal lands under FLPMA and ARPA as necessary prior to site preparation.
	Consultation	BLM would approve detailed construction, operation, rehabilitation, and environmental protection plans.
U.S. Department of the Interior, Bureau of Reclamation (USBR)	Cooperating agency	Cooperating with U.S. Forest Service and EFSEC in preparation of EIS for pipeline project.
	Consultation and concurrence	Following issuance of the Final EIS, USBR must provide BLM with either an approval or denial for the ROW. USBR reviews the construction, operation, and maintenance plan, and provides mitigating measures and stipulations to BLM to be included in the ROW document; also conducts onsite inspections prior to construction.
U.S. Department of Defense (DOD), U.S. Army	Cooperating agency	Cooperating with U.S. Forest Service and EFSEC in preparation of EIS for pipeline project.
	Consultation and concurrence	Following issuance of the Final EIS, DOD must provide BLM with either an approval or denial for the ROW if proposed across their land. DOD reviews construction, operation, and maintenance plan, and provides mitigating measures and stipulations to BLM to be included in the ROW document. DOD conducts onsite inspections prior to construction.
U.S. Department of the Interior, U.S. Fish and Wildlife Service (USFWS)	Cooperating agency	Cooperating with U.S. Forest Service and EFSEC in preparation of EIS for pipeline project.
	Consultation and concurrence	Following issuance of the Final EIS, USFWS must provide BLM with either an approval or denial for the ROW. USFWS reviews construction, operation, and maintenance plan, and provides mitigating measures and stipulations to BLM to be included in the ROW document. USFWS conducts onsite inspections prior to construction.
	Section 7 and 10 Biological Opinion/ *Endangered Species Act*	USFWS would provide a biological opinion on species of wildlife and plants that are federally listed.

Table 1-1. Permit, Approval, and Consultation Requirements for the Proposed Pipeline Project

Agency	Permit/Authority	Agency Action
U.S. Department of Agriculture, U.S. Forest Service (USFS)	Co-lead agency	USFS is co-lead agency with EFSEC for preparation of the EIS, to ensure the compliance of the project with NEPA and the Council on Environmental Quality regulations for implementing NEPA (40 CFR 1500-1508). This responsibility includes coordination of all federal agencies in the development of an EIS and monitoring compliance of the project construction with the ROW grant. BLM still retains authority for the coordination of cost recovery, issuance, and administration of the ROW grant for all federal lands involved in the project once construction is completed.
	Consultation and concurrence	Following issuance of the Final EIS, USFS must provide BLM with either an approval or denial for the ROW. USFS reviews construction, operation, and maintenance plan, and provides mitigating measures and stipulations to BLM to be included in the ROW document. USFS conducts onsite inspections prior to construction.
State Government		
State of Washington, Energy Facility Site Evaluation Council (EFSEC)	Co-Lead Agency and Site Certification Agreement/ *EFSEC's responsibilities derive from the Revised Code of Washington (RCW) 80.50, and include siting large natural gas and oil pipelines, electric power plants above 250 megawatts and their dedicated transmission lines, new oil refineries or large expansions of existing facilities, and underground natural gas storage fields. EFSEC has been delegated authority by the U.S. Environmental Protection Agency to issue permits under the Federal Water Pollution Control Act and the Federal Clean Air Act for facilities under its jurisdiction.*	EFSEC provides a single permit authorization to all other state and local permits; incorporates equivalent requirement and reviews National Pollutant Discharge Elimination System (NPDES), Hydraulic Project Approval (HPA), 401 certification, and all other state and local permits and approvals. EFSEC is co-lead agency with USFS for preparation of the EIS.
	Section 309/ *Clean Air Act*	EFSEC would ensure the project complies with the act with regard to construction and operation activities.
	National Pollutant Discharge Elimination System (NPDES) Permits	EFSEC would review and issue the NPDES permit for discharge of hydrostatic test water.

Table 1-1. Permit, Approval, and Consultation Requirements for the Proposed Pipeline Project

Agency	Permit/Authority	Agency Action
Washington State Parks and Recreation Commission (WSPRC)	Easements	WSPRC would consider granting easements for WSPRC lands once the Governor approves the EFSEC Site Certification Agreement.
Washington State Department of Natural Resources (DNR)	Easements	DNR would consider granting easements for DNR lands once the Governor approves the EFSEC Site Certification Agreement.
All Landowners Along the Pipeline ROW		
Federal agencies, state and local agencies, private landowners	ROW ownership agreements	Each landowner along the alignment has the authority to enter into a ROW agreement with OPL. This agreement is a real estate transaction between owners. Federal agencies issuing such ROW agreements would do so through the BLM approval process and under NEPA. State, city, or county landowners will make their ownership ROW decisions outside of their permitting authority. EFSEC still retains all state and local permit authority for the project. Private landowners will decide on their own whether to sign agreements. OPL has condemnation authority over private lands but prefers to avoid that process by rerouting or signing an agreement.

a Site Certification Agreement in lieu of any other individual state or local agency authority, and manages the environmental and safety oversight program of project operations. As part of EFSEC=s permitting process, OPL submitted an Application for Site Certification on February 5, 1996 and an amended application in May 1998. EFSEC is also a co-lead agency with the U.S. Forest Service in preparing the EIS. EFSEC is the sole agency authorized to permit the project. Other agency landowners who otherwise do not have permit authority have full ROW authority over their lands.

- **U.S. Forest Service.** The Department of Agriculture, U.S. Forest Service is the lead federal agency with EFSEC for developing this EIS. The Bureau of Reclamation, Department of the Army, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers are cooperating agencies in the development of the EIS and will issue separate agency consents before the BLM issues a ROD for the right-of-way application.

1.6 RELEVANT FEDERAL AND STATE PLANS AND GUIDELINES

Along with the agency roles and decisions noted in the previous section, it is important to note federal and state plans, guidelines, and legislation that also are relevant to the proposal. These include:

- Mt. Baker-Snoqualmie National Forest Land and Resource Management Plan (USFS)
- Wenatchee National Forest Land and Resource Management Plan (USFS)
- Bureau of Land Management=s Spokane District Management Plan (BLM)
- Snoqualmie Pass Adaptive Management Area Plan (USFS/USFWS)
- Columbia River Basin Ecosystem Management Project Eastside Plan (USFS/BLM)
- Bonneville Power Administration Standards and Regulations (BPA)
- Yakima and Columbia Basin Projects (BOR)
- Columbia National Wildlife Refuge Manual (USFWS)
- National Environmental Policy Act
- Washington State Environmental Policy Act
- State of Washington Growth Management Act
- State of Washington Shoreline Management Act

The proposal must be consistent with these plans, including any amendments and other plans or plan provisions they adopt. For example, the Northwest Forest Plan (NFP) seeks to conserve late-successional forest and foster healthy watersheds. It manages habitat for late-successional and old-growth forest-related species within the range of the northern spotted owl. The NFP amends all USFS land management plans and BLM resource management plans. NFP standards and guidelines apply to projects, permits, and special use authorizations in the geographic area covered by the USFS or BLM plan, including the proposed pipeline. Where standards and guidelines of the NFP conflict with those of individual plans, the more restrictive standard and guideline generally applies. The consistency of the proposal with relevant plans and guidelines, including local plans not listed above, is discussed in Chapter 3, Section 3.12, Land Use.

1.7 POTENTIAL USERS OF CROSS CASCADE PIPELINE PROJECT

The following list includes the potential users of the Cross Cascade pipeline project. The list consists of current shippers on the existing OPL pipeline plus other qualified shippers (marked with an asterisk) who meet the requirements for shipping on the pipeline but have not shipped product. Some of these shippers have committed to use the proposed pipeline if built.

Amoco Oil Company
ARCO Products Co.
Burlington Northern Santa Fe Railroad
Burns Brothers, Inc.
Cenex
Chevron USA Products
Conoco, Inc.
EOTT Energy
Exxon Company, U.S.A.
GATX Terminals Corp.
McCall Oil Company
Mobil Oil Corporation
* New West Petroleum
Northridge Petroleum Marketing, Inc.
Pilot Corporation
Puget Sound Energy
Rainier Petroleum
* Reinhard Petroleum LLC
Shell Anacortes Refining Company
Southern Counties Oil
Space Age Fuel
Tesoro Refining & Marketing
Texacon International Aviation
Time Oil Company
Tosco Corporation
Total Petroleum Inc.
Tower Energy
U.S. Oil & Refining Co.
United Airlines
Western Petroleum Company
Wilson Oil Inc.
* Fuel Defense Command Center

* Meets requirements for shipping, but has not shipped product

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